

CONFERENCE COMMITTEE REPORT
Senate Bill No. 302 By Senator Appel

June 21, 2010

To the Honorable President and Members of the Senate and to the Honorable Speaker and Members of the House of Representatives.

Ladies and Gentlemen:

We, the conferees appointed to confer over the disagreement between the two houses concerning Senate Bill No. 302 by Senator Appel, recommend the following concerning the Engrossed bill:

1. That House Floor Amendments No. 1 and 2 proposed by Representative Rosalind Jones and adopted by the House of Representatives on June 8, 2010, be rejected.
2. That the following amendments to the engrossed bill be adopted:

AMENDMENT NO. 1

On page 1, line 2, change "R.S. 17:10.1(D)" to "R.S. 17:7(29) and 10.1(D)"

AMENDMENT NO. 2

On page 1, line 4, between "performance;" and "and to" insert "to provide relative to an assessment of the performance of the state superintendent of education; to provide relative to unfunded mandates imposed on local public school boards; to provide for effectiveness;"

AMENDMENT NO. 3

On page 1, line 6, change "R.S. 17:10.1(D) is" to "R.S. 17:7(29) and 10.1(D) are"

AMENDMENT NO. 4

On page 1, between lines 6 and 7, insert the following:

"§7. Duties, functions, and responsibilities of board

In addition to the authorities granted by R.S. 17:6 and any powers, duties, and responsibilities vested by any other applicable laws, the board shall:

(1)

* * *

(29)(a) The State Board of Elementary and Secondary Education shall annually assess the effectiveness of the state superintendent of education in performing his duties in implementing the minimum foundation program of education in all public elementary and secondary schools as established by the board based on the following factors:

(i) Establishing productive and effective working relationships with the members of the State Board of Elementary and Secondary Education and properly executing and implementing the educational policies and programs under the supervision and control of the board and the laws affecting schools under the jurisdiction of the board.

(ii) Establishing productive and effective working relationships with members of the legislature, local school boards and governing authorities of charter schools, and teacher, parent, and community organizations on issues impacting public elementary and secondary education.

- (iii) Providing schools and school systems with adequate technical support to assist them in implementing the minimum foundation program and formula and related laws, rules, and, regulations, including those related to educational and fiscal responsibility and accountability.
- (iv) Any other factors deemed appropriate by the board.
- (b) The State Board of Elementary and Secondary Education shall conduct such assessment and submit a written report of its findings and determinations to the governor, the president of the Senate, the Senate Committee on Education, the Senate Committee on Finance, the speaker of the House of Representatives, the House Committee on Education, and the House Committee on Appropriations, not later than December thirtieth of each year."

AMENDMENT NO. 5

On page 2, after line 12, insert the following:

"Section 2. Section 2 of the Act that originated as House Bill No. 1368 of the 2010 Regular Session of the Legislature of Louisiana is hereby amended and reenacted to read as follows:

"Section 2. Beginning with the effective date of this Act, no city, parish, or other local public school board shall be required to comply with any unfunded mandate imposed by law or any rule, regulation, or policy promulgated by the State Board of Elementary and Secondary Education. The provisions of this Section shall not apply to any rule, regulation, or policy promulgated by the State Board of Elementary and Secondary Education which:

- (1) Is adopted to comply with a federal mandate.
- (2) Will have no fiscal impact on the affected school system.
- (3) Relates to implementation of the state school and district accountability system.
- (4) Relates to implementation of the minimum foundation program formula as required by Article VIII, Section 13(B) of the Louisiana Constitution.
- (5) Is adopted by a motion upon the favorable vote of at least nine members of the board.

Section 3. This Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval.""

Respectfully submitted,

Senators:

Representatives:

Senator Conrad Appel

Representative Austin Badon

Senator Ben Nevers

Representative Stephen F. Carter

Senator "Nick" Gautreaux

Representative Frank A. Hoffmann

The legislative instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Jeanne Johnston.

CONFERENCE COMMITTEE REPORT DIGEST

Senate Bill No. 302 by Senator Appel

Keyword and summary of the bill as proposed by the Conference Committee

SCHOOLS. Requires BESE to assign letter grades to public schools and school districts reflective of their performance, assess the performance of the state superintendent of education, and provides relative to unfunded mandates on local school systems. (gov sig)

Report rejects House amendments which would have:

1. Required approval from the Senate Committee on Education and the House Committee on Education prior to implementation of the school performance letter grade system.

Report amends the bill to:

1. Requires BESE to annually assess the effectiveness of the state superintendent of education in performing his duties in implementing the minimum foundation program of education in the public schools and report its findings and determinations to the governor, the leadership of the Senate and the House of Representatives, and specified legislative committees.
2. Amends the provisions of Section 2 of the Act that originated as House Bill No. 1368 of the 2010 Regular Session of the Louisiana Legislature relative to compliance with unfunded mandates imposed on local public school boards to provide exceptions for certain rules, regulations, and policies promulgated by the State Board of Elementary and Secondary Education.

Digest of the bill as proposed by the Conference Committee

Proposed law provides that in addition to any other performance related labels or designations assigned to public schools and school districts pursuant to the school and district accountability system, the State Board of Elementary and Secondary Education, in consultation with parents, teachers, school administrators, and other education stakeholders, shall develop a letter grade system reflective of school and district performance that shall include, but not necessarily be limited to, the following:

1. Assignment of a letter grade to each public elementary and secondary school and school district based upon the current method of determining school and district performance scores. Provides that any school that has been labeled academically unacceptable shall be assigned a grade of "F".
2. Inclusion of the letter grade assigned to each public school and school district in the school report cards compiled by the Dept. of Education and distributed to parents and in any public release of school and district performance scores.
3. Recognition of high performing, high poverty schools and high schools with graduation rates that exceed the state average when information relative to school and district performance scores and letter grades are publicly released.

Proposed law requires the State Board of Elementary and Secondary Education (BESE) to annually assess the effectiveness of the state superintendent of education in performing his duties in implementing the minimum foundation program of education in all public elementary and secondary schools as established by the board based on the following factors:

1. Establishing productive and effective working relationships with the members of the State Board of Elementary and Secondary Education and properly executing and

implementing the educational policies and programs under the supervision and control of the board and the laws affecting schools under the jurisdiction of the board.

2. Establishing productive and effective working relationships with members of the legislature, local school boards and governing authorities of charter schools, and teacher, parent, and community organizations on issues impacting public elementary and secondary education.
3. Providing schools and school systems with adequate technical support to assist them in implementing the minimum foundation program and formula and related laws, rules, and, regulations, including those related to educational and fiscal responsibility and accountability.
4. Any other factors deemed appropriate by the board.

Requires BESE to conduct such assessment and submit a written report of its findings and determinations to the governor, the president of the Senate, the Senate Committee on Education, the Senate Committee on Finance, the speaker of the House of Representatives, the House Committee on Education, and the House Committee on Appropriations, not later than December thirtieth of each year.

Proposed law, as contained in Section 2 of House Bill No. 1368 of the 2010 Regular Session, provides that beginning with the effective date of such proposed law, no city, parish, or other local public school board shall be required to comply with any unfunded mandate imposed by state law or any rule, regulation, or policy promulgated by the State Board of Elementary and Secondary Education.

Proposed law, as contained in Section 2 of Senate Bill No. 302 of the 2010 Regular Session, amends proposed law as provided in Section 2 of House Bill No. 1368 of the 2010 Regular Session relative to compliance with unfunded mandates imposed upon local public school boards to provide for exceptions for any BESE rule, regulation, or policy which:

1. Is adopted to comply with a federal mandate.
2. Will have no fiscal impact on the affected school system.
3. Relates to implementation of the state school and district accountability system.
4. Relates to implementation of the minimum foundation program formula as required by Article VIII, Section 13(B) of the Louisiana Constitution.
5. Is adopted by a motion upon the favorable vote of at least nine members of the board.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Adds R.S. 17:7(28) and 10.1(D))